

# *United Arab Republic<sup>1</sup>*

## COMMERCIAL AND CUSTOMS RELATIONS

*Agreement signed at Cairo November 16, 1884, with text of convention between Greece and Egypt concluded March 3, 1884, and Egyptian customs regulations*

*Senate advice and consent to ratification March 18, 1885*

*Entered into force March 18, 1885*

*Ratified by the President of the United States May 7, 1885*

*Proclaimed by the President of the United States May 7, 1885*

*Terminated February 16, 1930<sup>2</sup>*

24 Stat. 1004; Treaty Series 81

### AGREEMENT BETWEEN UNITED STATES AND EGYPT

The Undersigned, N. D. Comanos, Vice-Consul-General of the United States of America in Egypt, and His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs and of Justice of the Government of His Highness the Khedive of Egypt, duly authorized by their respective Governments, have held a conference this day on the subject of a Commercial Convention to be concluded between the Egyptian Government and the Foreign Powers, and have agreed to the following:

The Government of the United States of America consents that the Regulations of the Egyptian customs applicable, in virtue of a Commercial and Customs Convention concluded on the 3rd of March, 1884, between the Hellenic Government and the Egyptian Government to the Hellenic subjects, vessels, commerce and navigation, may also be applied to the citizens of the United States, vessels, commerce and navigation.

---

<sup>1</sup> On Sept. 2, 1971, the name of the United Arab Republic was officially changed to the Arab Republic of Egypt. See also agreements between the United States and the Ottoman Empire, *ante*, vol. 10, p. 619, OTTOMAN EMPIRE.

<sup>2</sup> Pursuant to notice of termination given by Egypt Feb. 14, 1929.



Every right, privilege or immunity that the Egyptian Government now grants, or that it may grant in future, to the subjects or citizens, vessels, commerce and navigation of whatsoever other foreign power, shall be granted to citizens of the United States, vessels, commerce and navigation, who shall have the right to enjoy the same.

The present agreement shall become operative immediately upon the consent of the Senate of the United States being given to the same.

In testimony whereof, the undersigned have signed the present act and have affixed their seals.

Done in Cairo, the sixteenth day of November Eighteen hundred and eighty-four.

N. D. COMANOS	[SEAL]
N. NUBAR	[SEAL]

## CONVENTION BETWEEN GREECE AND EGYPT

[TRANSLATION]

### A CONVENTION RELATIVE TO COMMERCE AND CUSTOMS

His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs of His Highness the Khedive, and Mr. Anasthasius Byzantios, Diplomatic Agent and Consul-General of Greece, having been duly authorized by their respective Governments, have agreed upon the following:

#### ARTICLE I

Greek commerce in Egypt and Egyptian commerce in Greece shall be treated, as regards customs duties, both when goods are imported and exported, as the commerce of the most favored nation.

#### ARTICLE II

No prohibitory measure shall be adopted in respect to the reciprocal import or export trade of the two countries, without being likewise extended to all other nations. It is nevertheless understood that this restriction shall not apply to such special measures as may be adopted by either country for the purpose of protecting itself against epizooty, phylloxera or any other scourge.

#### ARTICLE III

The Egyptian Government pledges itself, with the exceptions mentioned in article VI., hereinafter, not to prohibit the importation into Egypt of any article, the product of the soil and industry of Greece, from whatever place such article may come.



## ARTICLE IV

The duties to be levied in Egypt on the productions of the soil and industry of Greece, from whatever place they may come, shall be regulated by a tariff which shall be prepared by commissioners appointed for this purpose by the two Governments.

A fixed duty of 8 per cent. ad valorem shall be taken as the basis of this tariff, the said duty to be computed on the price of the goods in the port of discharge; the Egyptian Government, however, reserves the privilege of raising the duties on distilled beverages, wines and fancy articles; but these duties shall, in no case, exceed the rate of 16 per cent. ad valorem.

The Egyptian Government likewise reserves the right to reduce the duties on articles of prime necessity that are imported into Egypt, to 5 per cent., and even to abolish them entirely.

Customs duties shall be collected without prejudice to the penalties provided, in cases of fraud and smuggling, by the regulations.

## ARTICLE V

Tobacco, in all its forms, and tombac, together with salt, natron, hashish and saltpeter are excluded from the stipulations of this convention.

The Egyptian Government retains an absolute right in respect to these articles, the régime of which shall be applicable to Greek subjects on the same terms as to its own subjects.

The Egyptian Government may institute, in warehouses or dwellings, any immediate search that it may deem necessary. A duplicate of the order of search shall be sent to the Greek consular officer, who may repair to the spot at once, if he think proper, although that formality shall not delay the search.

## ARTICLE VI

By way of exception to the stipulations of article III., the importation into Egypt of arms used in war (including fire-arms and side-arms) and munitions of war shall not be permitted.

The above restriction does not apply to weapons used in hunting or for ornament or amusement, nor does it apply to gunpowder used in hunting; the importation of these articles shall form the subject of special regulations to be adopted by the Egyptian Government.

## ARTICLE VII

Goods imported into Egypt and re-exported within a period not exceeding six months, shall be considered as goods in transit, and shall pay, as such, only a transit duty of one per cent., computed on their value in the port of discharge. After such period of six months, they shall be subject to the full import duty.



If the re-exportation takes place from the port of discharge, after a simple transshipment, or after the goods have been discharged and kept on land, under surveillance, as provided by the customs regulations, for a period not exceeding one month, such goods shall be liable to no duty; but the transit duty shall be payable, if, after having been discharged and temporarily deposited, either in the warehouses of the custom-house, or in private warehouses, whether floating or not, the goods are re-exported, after having been the object of a commercial operation.

#### ARTICLE VIII

If goods, after the import duty has been levied upon them in Egypt, are sent to other countries before the expiration of the term of six months from the day of their discharge, they shall be treated as goods in transit, and the Egyptian custom-house shall return to the exporter the difference between the duty paid and the transit duty mentioned in article VII.

In order to obtain the drawback, the exporter must furnish proof that the import duty has been paid on the re-exported goods.

#### ARTICLE IX

The productions of the soil and industry of Egypt when sent to Greece, shall pay an export duty of one per cent. ad valorem, computed on the value of the goods in the port of exportation.

For greater facility, these productions shall, as far as possible, be periodically tariffed, by mutual agreement, by the representatives of the merchants engaged in the export trade and the Egyptian customs authorities.

#### ARTICLE X

Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business, not performing other duties, not engaged in commercial or manufacturing business, and not owning or controlling real estate in Egypt, shall be exempt from any examination, both when imported and exported, and likewise from the payment of duties.

#### ARTICLE XI

Within thirty-six hours at most after the arrival of a vessel in an Egyptian roadstead or port, the captain or the agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. In like manner, captains shall, before their departure from an Egyptian port, present at the custom-house a copy of the manifest of the goods on board of their vessels. The original manifest, either on arrival or departure, shall be presented at the same time with the copies, in order to be compared with them.



If a vessel stops in an Egyptian port for a reason that appears suspicious to the custom-house, the latter may require the presentation of the manifest, and may immediately make any search that it may deem necessary; the order of search shall, in that case, be addressed to the Greek consular officer, as provided in article V.

Any surplus or deficit that may be shown by the comparison of the manifest with the cargo shall furnish ground for the imposition of the fines provided for by the customs regulations which shall be issued by the Egyptian Government.

#### ARTICLE XII

Any custom-house operation in Egypt, either on arrival or departure, must be preceded by a declaration signed by the owner of the goods or his representative.

The custom-house may, moreover, in case of dispute, require the presentation of all the documents that are to accompany any shipment of goods, such as invoices, letters, etc.

Any refusal to make the declaration on arrival or departure, any delay in making the said declaration, or any excess or deficiency found to exist between the goods and the declaration shall furnish ground for the imposition of the fines provided for by the Egyptian custom-house regulations, in each of the cases specified.

#### ARTICLE XIII

The custom-house officers, the officers of the vessels belonging to the Egyptian postal-service, and the officers of national vessels, may board any sailing or steam vessel of less than two hundred tons' burden, be that vessel at anchor or tacking, at a distance not exceeding ten kilometers from the shore, without furnishing evidence of *vis major*; they may ascertain the nature of the cargo, seize any prohibited goods, and secure evidence of any other infraction of the customs regulations.

#### ARTICLE XIV

Any illicit importation of goods shall furnish ground for the confiscations and fines provided for by the Egyptian customs regulations.

Decisions ordering confiscations and fines shall be communicated, within the period fixed by law, to the Greek consular officer.

#### ARTICLE XV

It is understood that this convention can in no wise impair the administrative rights of the two contracting Governments, and that they may enforce any regulations calculated to promote the efficiency of the service and the repression of fraud.



## ARTICLE XVI

The present convention shall be operative for seven years from the twentieth day of March, one thousand eight hundred and eighty-four.

At the expiration of that period, the present convention shall remain in force during the year following, and so on from year to year, until one of the contracting parties shall notify the other of its desire for the cessation of its effects, or until the conclusion of another convention.

## ADDITIONAL ARTICLE

The effect of the modifications in the present tariff which are provided for in article IV., shall be suspended until those modifications have been adopted by the other powers interested.

In testimony whereof, the undersigned have signed the present convention.

Done in duplicate at Cairo this third day of March, one thousand eight hundred and eighty-four.

N. NUBAR  
AN. BYZANTIOS

## EGYPTIAN CUSTOMS REGULATIONS

[TRANSLATION]

## CUSTOMS REGULATIONS

### TITLE I

#### GENERAL PROVISIONS

#### ARTICLE I

##### *Customs Boundary*

The shore of the sea, and the frontiers touching the territories of the neighboring States, shall form the customs boundary.

#### ARTICLE II

##### *Zone of Surveillance*

The warehousing and transportation of goods which have crossed the customs line shall be subject to the surveillance of the custom-house officers to a distance of two kilometers from the land frontier or from the sea shore, and likewise from both banks of the Suez Canal and of the lakes through which that canal passes.

Outside of these limits, the transportation of goods may take place freely; nevertheless, goods removed fraudulently, and kept in sight by agents of the



public force, may be seized even after they have been conveyed beyond the zone of surveillance.

The following goods may likewise be seized throughout the extent of the Egyptian territory: prohibited goods, those whose sale is monopolized by the State, and tobacco or tombac not accompanied by a *raftieh* for circulation in the interior.

For vessels, the zone of surveillance shall extend to a distance of ten kilometers from the shore. Caravans crossing the desert, and suspected of carrying on illicit trade, shall be subjected to examination and search by the custom-house officers.

### ARTICLE III

#### *Passage across the customs boundary*

Goods cannot cross the customs boundary during the night, that is to say between the setting and rising of the sun.

Throughout the extent of the maritime coast-line, it shall be allowable to enter ports and to come near the shore during the night, in localities where there are custom-houses, but no discharge, transshipment or shipment shall be made without a special authorization, in writing, from the Collector of Customs.

### ARTICLE IV

No shipment, discharge or transshipment of goods shall take place without the previous authorization of the custom-house, or when no custom-house officers are present.

Any shipment, discharge or transshipment shall take place at the points specially set apart for that purpose by the customs authorities.

Captains are forbidden to receive new goods on board of their vessels, before having fully complied with the customs formalities relative to goods brought, unless they have received, in writing, the authorization of the Collector of Customs.

The latter may permit, by way of exception, the discharge or transshipment of goods to take place in the absence of the custom-house officers.

In this case, he shall mention the fact in a note on the copy of the manifest.

### ARTICLE V

#### *Of the permit to sail, otherwise known as the Tamkin*

Captains, before their departure, must present at the custom-house the manifest of the goods on board of their vessels. Not until after this requirement has been complied with shall the custom-house authorize the port authorities to issue the *tamkin*.

The custom-house shall be at liberty to cause a *tamkin* to be issued, even before the presentation of the manifest, to vessels represented by an agent in



the port of departure, provided that such agent has deposited at the custom-house a written pledge to comply with this requirement within three days.

Steam navigation companies may, with a view to enjoying this privilege, become responsible, once for all and by means of a notarial instrument, for any infractions that may be committed by captains having charge of their vessels.

## ARTICLE VI

### *Declarations*

All custom-house operations must be preceded by a declaration signed by the owner of the goods or his representative.

The custom-house shall consider the person holding the transportation company's order of delivery as the legitimate representative of the owner. (See Articles XIX. and XX.)

## ARTICLE VII

### *Search*

As soon as the declaration has been presented at the custom-house, the goods shall be examined. The custom-house shall have the right to examine all packages, but the Collector may, according to circumstances, if he think proper, exempt from examination those packages whose declared contents may not appear to him to be proper subjects for examination.

Less than one package in ten shall not be examined.

If, after one examination, and even after the payment of the duties, any further examinations are deemed necessary, the custom-house shall always have the right to order them to be held.

The packages shall be opened for examination by the superior officers of the custom-house, in presence of the interested parties; the operation shall take place either in the warehouses of the custom-house, or in its offices.

In case of suspicion of fraud, the custom-house shall, even in the absence of the interested party, proceed to open the packages, drawing up a report thereof.

Goods not warehoused, either on account of their dimensions or of their cumbersome character, may be examined outside.

Bags, letters and printed documents brought by the mails, either by land or sea, shall be exempt from examination, provided they are entered upon a regular way-bill.

On the other hand, all postal packages shall be subjected to examination; when there is no suspicion of fraud, this examination shall be merely a summary one, and shall be necessary only in the case of a certain number of packages to be designated by the Collector of Customs.



## ARTICLE VIII

*Duties to be collected, privilege, and security of the Treasury*

Import, export and transit duties shall be collected in accordance with existing treaties and conventions.

Charges, moreover, shall be made for storage, warehousing, and portorage; for wharfage, cranes, locks, tamkins, sealing of packages, *raftiehs*, *keshfs*, declarations, measuring, etc., according to special regulations.

Payment of duties shall be made in cash, in gold or silver coin according to the tariff of the Government.

No goods shall be delivered until the duties to which they are liable shall have been duly paid.

Goods received at the custom-house, no matter what is their destination, shall serve as security to the customs authorities, by way of privilege, for the payment of the duties, charges and fines of all kinds, due from the person to whom the goods are addressed, on account of those goods or other arrivals.

## ARTICLE IX

*Exemption from Duties*

The following articles shall be exempt from examination and from the payment of import and export duties:

1. Articles and personal effects belonging to His Highness the Khedive.
2. Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business.

Effects and articles belonging to religious establishments of the various religious denominations, to convents, and charitable or educational institutions, shall be exempt from import and export duties, but shall be subject to search and examination.

These establishments shall, at the beginning of each year, send to the custom-house, through their own, or some other consular officer, a list containing an approximate statement of the articles which they intend to import in the course of the year, and of the value of those articles.

The exemption shall be suspended until the following year when the total value stated in that list shall have been reached.

This exemption is an act of pure favor on the part of the Egyptian Government; it may be refused if the custom-house finds that it is abused.

The following articles shall likewise be exempt from import and export duties, but shall be subject to examination and search:

1. Effects, household furniture, books and other articles for private use, belonging to persons who come to settle for the first time in the country. These articles shall, however, bear marks of having been used, under penalty



of being subjected to the payment of the duties required by the regulations. In cases of dispute, experts shall decide.

2. Personal effects brought by travelers and intended for their use.
3. Samples, when not of a nature to be sold as merchandise.
4. Samples of the productions of the soil of Egypt whose value does not exceed one hundred piasters.
5. Specie (gold or silver).
6. Gold or silver in bars.
7. Merchandise belonging to the Departments of the Government and to private citizens, which are exempt from the payment of duties, either in virtue of special orders or of conventions.
8. Articles to be used as provisions by vessels of war belonging to friendly powers, and also provisions and munitions intended for the use of merchant vessels and their crews.

All applications for free importation or exportation must be addressed to the custom-house and the following particulars must be stated: 1. The nature of the articles. 2. Their value. 3. Their marks and numbers. 4. The name of the vessel which has imported or which is to export them.

The granting of exemption from duty shall be subordinate to the condition that the name of the party for whom the goods are intended be mentioned in the bill of lading as the consignee; if the name of a third party is mentioned as such, or if the goods are simply consigned to order, the custom-house cannot grant the exemption.

An application for exemption must be signed by the party for whom the goods are intended, or by the sender if exemption from the payment of export duties is applied for.

#### ARTICLE X

##### *Goods taken from wrecked vessels*

Goods from wrecked vessels shall be subjected to no duty if they are not intended for an Egyptian port, and they may be re-exported without payment of duties as soon as the formalities concerning the wreck have been complied with.

#### ARTICLE XI

##### *Permits to leave the custom-house and keshfs*

After the custom-house formalities have been complied with and the duties paid, a permit to leave the custom-house shall be delivered to the broker who is to remove the goods from the custom-house.

At the request of the importer, and on presentation of the receipt of the cashier of the custom-house, an accurate list, or *keshf*, of the goods on which duty has been paid, shall be delivered to the interested party.

The presentation of the *keshf* shall be indispensable for the free exportation



of goods of foreign origin, and for the establishment of the right to the restitution of the difference between the import and the transit duties, if the re-exportation takes place within six months from the date of the removal of the goods, which date will be shown by the *keshf*.

The custom-house shall deliver no *keshf* for goods of a perishable character.

A *keshf* shall be delivered but once, and in case of its loss, it cannot be replaced.

## ARTICLE XII

### *Importation of productions of Egyptian origin and exportation of productions of foreign origin*

If a production of the country, after having been exported to a foreign country, is brought back to Egypt, it shall be liable to the payment of the import duty established on foreign productions.

In like manner, if a production of foreign origin be re-exported, it shall be subject to the export duty which is established on productions of the country, unless it be accompanied by a *keshf* clearly establishing its identity and the date when the import duty on it was paid; in the latter case, it shall be exported duty-free.

If such exportation takes place within less than six months, the restitution of the difference between the import duty and the transit duty may be claimed. In either case, however, the presentation of the *keshf* shall be indispensable, as provided in article XI.

## ARTICLE XIII

### *Removal of Goods from the Custom-House and Authorized Custom-House Brokers*

Goods may be removed from the custom-house after the formalities have been complied with by the party holding an order for their delivery, issued by the captain or consignee of the vessel, or by the navigation company.

Nevertheless, professional custom-house brokers shall not be allowed to remove goods arriving for the account of third parties, unless they fulfill the following conditions:

1. No custom-house broker shall carry on his business without having been authorized to do so by the custom-house authorities.
2. An application for authorization shall be made in writing, and shall be accompanied by a certificate attesting the good character of the applicant, the said certificate to be signed by two prominent merchants of well known respectability.
3. If the certificate is deemed sufficient, the authorization shall be granted, and a card of admission shall be delivered to the applicant.
4. If the recommendation is deemed insufficient, the customs authorities may require the candidate to deposit from 2,000 to 10,000 piasters, or to



furnish security given by two merchants whose names are acceptable to the authorities.

5. The deposit or security shall guaranty to the customs authorities the payment of any fines that may be imposed upon the broker by reason of infractions of which he may be found guilty.

6. Any custom-house broker may be suspended from his functions by the Director General of custom-houses, for a determined period, according to the gravity of the offence or irregularity committed, and that without prejudice to the payment of the penalties incurred. For the first time, the penalty shall not exceed six months. It may be for one year if the offence is repeated. The interested party shall be notified, in writing, of such punitive measure, and the notice sent him shall contain a statement of the reasons for the adoption of such measure.

7. Persons permanently employed by third parties shall be liable to the same fines and penalties as professional custom-house brokers.

## TITLE II

### IMPORTATION AND TRANSPORTATION OF GOODS FROM ONE CUSTOM-HOUSE TO ANOTHER

#### ARTICLE XIV

##### *Presentation of goods at Frontier Custom-Houses*

Goods to be imported by land must be presented at the custom-house nearest the frontier.

If the custom-house is inside of the line, the goods must come by the usual route, without any deviation.

If the nearest custom-house cannot receive them, they shall be taken to the nearest custom-house that can receive them, but the parties having them in charge shall provide themselves, at the first custom-house, with a certificate stating that they have presented themselves there, and have subjected their goods to a summary examination.

If the nearest custom-house is not more than ten kilometers distant, the goods shall be escorted by custom-house officers.

#### ARTICLE XV

##### *Manifest of Cargo*

In thirty-six hours after the arrival of a vessel in an Egyptian roadstead or port, the captain or agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. The original manifest must be presented at the same time, in order that it may be compared with the copies.

The presentation of the manifest may be required, no matter what be the



reason of the vessel's putting into port, and no matter how long she may remain there.

If the vessel is from an Egyptian port, the manifest of cargo must be accompanied by the clearance from that port, unless the vessel has been exempted from procuring that document according to Article V.

If the Collector of Customs doubts the agreement of the statements made in the manifest with the cargo, the captain must give all the explanations and produce all the papers that may be deemed necessary.

The storekeeper of the custom-house, after the discharge of the goods destined for the port of arrival, shall receipt therefor on the copy of the manifest. This copy shall afterwards be delivered to the interested party.

If the entire cargo is intended for another port, the custom-house shall simply place its *visé* on the copy of the manifest.

Vessels whose cargo is intended for another port, or which arrive in ballast, shall not remain in the port of arrival, except for some reason over which they have no control, for more than three weeks. During their entire stay they shall be under the surveillance of the custom-house.

If these vessels desire to prolong their stay in the port on account of repairs, damages, adverse winds, lack of freight, etc., they shall not be allowed to do so unless by special authorization from the custom-house. Such authorization shall not be granted unless the reasons stated appear to be valid.

In default of authorization, the vessel must leave the port without delay, and before its departure it shall be subject to search by the custom-house officers.

If a vessel stops in a port for a reason that appears suspicious to the custom-house, the latter may require the immediate presentation of the manifest, and may make any search that it may think proper.

## ARTICLE XVI

### *Manifest of Importation*

In the manifest the following particulars must be stated:

The name of the vessel.

The port whence she hails and those where she has called during her voyage.

A succinct statement of the various kinds of goods of which the cargo is composed.

The number and nature of the packages.

Their marks and numbers.

The total number of packages must be repeated in full.

The manifest and the two copies must be written without corrections, erasures or alterations.



In case any of the above requirements has not been complied with, the manifest shall be returned and considered as not having been presented.

## ARTICLE XVII

### *Discharge of Cargo*

A custom-house officer shall mark on one of the copies of the manifest, in presence of the captain of the vessel or his representative, the packages and goods discharged.

Goods shall be taken to the custom-house for examination and registry.

That portion of the cargo which is to be conveyed to another destination shall remain on board, and its departure shall be legitimized when the vessel sails, by means of a permit issued by the custom-house to the captain.

The custom-house shall have the right to place guards on board of any vessel, and to take such measures as it may think proper for the prevention of any unauthorized shipment, discharge or transshipment.

If the quantity of goods or the number of packages discharged is less than the quantity or number stated in the manifest, the captain or his representative shall be required to furnish a satisfactory explanation of the discrepancy. If the missing goods or packages have not been shipped, if they have not been discharged, or if they have been discharged at a place other than that of their original destination, this must be shown by means of authentic documents establishing the fact.

If the goods or packages mentioned in the manifest are not found, and if their value is claimed by the shipper or the party to whom they were sent, the captain or his representative shall be required to furnish proof that they have paid such value.

If the explanations required by this article cannot be given within twenty-four hours, the captain or his representative shall be required to furnish security or to deposit the amount of the fine provided for in article XXXVIII.; in this case, a delay not exceeding four months may be granted to him in order to enable him to furnish such explanations.

## ARTICLE XVIII

### *Declarations*

The declaration required by article VI. shall be presented at the custom-house within eight days after the discharge of the cargo.

That time having expired, a storage duty (*ardieh*) shall be collected on the goods, in accordance with the special regulations on this subject.

The custom-house may require the exhibition of all papers that properly accompany a shipment of goods, such as invoices, insurance policy, correspondence, etc.

When the owner of any goods requests it, he may be authorized to examine



the contents of packages received for his account before preparing a declaration thereof.

After the declaration has been presented, it cannot be modified without a valid excuse, or without an authorization, in writing, from the Collector of Customs.

A permit to open packages for the purpose of examining their contents is given by the Collector of Customs, or by the Inspector in Chief, who designates the officer who is to be present at the examination.

## ARTICLE XIX

### *Form of a Declaration*

Declarations shall be made in writing according to forms printed by the custom-house.

They shall state:

1. The christian name, surname, nationality and domicile of the declarer.
2. The places where the goods are from, their origin and destination, together with the name of the vessel which has transported them, or which is to transport them.
3. The kind of goods, their number, nature, marks, and the numbers marked on the packages.
4. The value of the goods.

If the value is not known to the declarer, the custom-house shall cause the same to be estimated by its appraisers.

## ARTICLE XX

### *Consequences of a Failure to present the Manifest or Declaration*

A refusal to exhibit the manifest or other necessary papers, or any delay in so doing, shall give the custom-house the right to have the goods discharged at the expense and risk of the captain or owners, and to keep the goods in the warehouses of the custom-house.

A refusal to present the declaration, or any delay in so doing, or a refusal to withdraw the goods within the space of six months from the day on which they were placed in the custom-house, shall give the customs authorities the right to sell them, in due form, at public auction, by giving a single notice to the owner, either directly, or by means of an advertisement inserted in a newspaper published in the nearest city or town.

Perishable goods, such as liquids, fruits, etc., cannot remain in the custom-house any longer than their condition allows them to be kept. If they are not then withdrawn, the custom-house shall cause a statement to be drawn up of the failure to remove them in time, and shall sell them, without being obliged to summon the owner.



The opening and sale of abandoned packages shall take place, in case of the absence of the interested parties, in the presence of the representatives of the consular or native authorities, according to the nationality of the interested party.

If, after having been summoned, the representatives of said authorities fail to appear, a statement of such failure shall be prepared, and the goods shall be sold.

The proceeds of the sales, after customs duties, storage, fines and all other charges have been deducted, shall remain on deposit among the funds of the Customs Department and at the disposal of the owner.

If said deposit is not claimed within three years, it shall be forfeited to the Customs Department.

Until the sale has actually been consummated, the owner of the goods may withdraw them by paying the duties and all other charges, including those for auction and brokerage, if there are any.

## ARTICLE XXI

### *Shipments of Foreign Goods from one Custom-House to another*

Packages of foreign goods which are to be sent from one custom-house to another before the duties have been paid, cannot be removed until after a declaration has been made.

A detailed declaration is not necessary unless the packing of the goods is defective; such declaration may refer simply to the value of the goods if they have been properly packed.

The packages must be accompanied by an *elm-khaber*; they must, moreover, be placed under the guaranty of the seal of the custom-house. Packages whose value is less than thirty piasters, and goods which, owing to their nature, cannot be sealed, shall be exempted from sealing.

In case of transportation by rail, the shipment shall take place under the supervision of the custom-house, which shall take out the bills of lading and send them to the customs authorities of the place of destination.

The custom-house shall send the *elm-khaber* to the owner of the packages for inspection on their arrival.

If the shipment takes place by any other land conveyance, the owner shall deposit the import duties, or give security for the amount of those duties.

Goods of foreign origin, on which the duties have already been paid, and which shall be exported by sea to another Egyptian port, shall be subjected to no additional duty.

The custom-house of the port from which the goods are shipped shall simply require the consumption duties to be deposited; these shall be refunded to the interested party on presentation of a certificate from the custom-house to which the goods are sent, showing that they have arrived.



## ARTICLE XXII

*Discharge of the Elm-Khaber*

On the arrival of the goods at the custom-house to which they have been sent, the party to whom they have been sent must, within seven days, declare their final destination, unless it is already stated in the *elm-khaber*, or he must withdraw the goods, paying the duties thereon. If the goods are allowed to remain at the custom-house after the expiration of the time above specified, they shall be liable to the *ardieh* duty.

On the arrival of the goods, their identity shall be verified; if they are found to be in accordance with the statements made in the *elm-khaber*, a certificate of discharge shall be delivered to the party to whom they are sent; if, on the other hand, the examination shows any differences, and if the packages bear marks of having been tampered with on the way, the certificate shall be refused, or shall be given for such part of the goods only as may be found to accord with the statements made in the *elm-khaber*. A report shall be prepared stating the condition of the goods at the time of the examination.

A certificate of discharge may be delivered for such packages as were not subjected, when shipped, to a thorough examination, but which, having been found to be well packed, were simply sealed; this may be done, when they are found, on their arrival, to be intact, and to bear no marks of any alteration.

The return of the certificate of discharge to the custom-house whence the shipment took place shall entitle the party to whom it was issued to have his deposit refunded, or his security shall be released in consequence thereof.

## ARTICLE XXIII

*Exportation of Egyptian Goods from one Custom-House to another*

Native goods, that is to say productions of the soil or industry of Egypt, that shall be conveyed by sea to another Egyptian port, shall be subject to the following rules:

1. If these goods are to be sent to a maritime town which is subject to town-dues, and which has no custom-house, the shippers must deposit at the custom-house whence the shipment takes place a duty of eight per centum until a certificate shall have been presented showing that these productions have duly reached their destination.

2. If these goods are to be sent to a city not subject to town-dues, they must pay, when forwarded, a duty of eight per centum, which shall not be refunded.

In the former case the goods are to be accompanied by an *elm-khaber*; in the latter they are to be accompanied by a *raftieh*.



The *elm-khaber* shall be discharged on the arrival of the goods, in the manner provided in the foregoing article.

### TITLE III

#### OF TRANSIT

#### ARTICLE XXIV

##### *Goods in Transit*

Goods that are to cross the territory shall be subject, as regards the written declaration and the examination, to the rules established for the entry of foreign goods subject to custom duties, and as regards shipment or forwarding, to the rules established for the transportation of goods from one custom-house to another.

After the examination of the goods in transit, an *elm-khaber* shall be delivered to the owner or shipper on payment of the transit duty established by the treaties and conventions, and on his depositing or furnishing security for a sum equal to the amount of the difference between the transit duty and the import duty.

The custom-house shall state, in the *elm-khaber*, the time when the goods must be presented at the shipping office. This time may be fixed at ten days at least, and at six months at most, according to the distance that the goods may have to go.

Packages in transit shall be subject to sealing.

#### ARTICLE XXV

##### *Discharge of the Transit Elm-Khaber*

When the identity of the goods shipped in transit has been ascertained and they have been sent, the *elm-khaber* shall be visaed by the custom-house whence the goods are shipped.

The presentation at the aforesaid custom-house of the visaed *elm-khaber* shall entitle the party who has made the deposit to the return thereof, or to the release of the security furnished by him.

If, at the expiration of the time fixed by the *elm-khaber*, the discharge is not presented at the custom-house whence the goods were shipped, the latter shall be considered as having been placed in the market, and the amount of the deposit shall be forfeited to the custom-house. If any security has been furnished, the Customs Department shall hold the party who furnished it to the payment of the duty guaranteed.

In case of the loss, duly proved, of the transit *elm-khaber* after having been visaed by the custom-house whence the goods were shipped, that custom-house shall be obliged to issue a certificate to take the place of the *elm-khaber*.



In case of the total loss of the goods, duly proved, there shall be ground for the restitution of the sum deposited as security.

#### TITLE IV

##### CONCERNING EXPORTATIONS

#### ARTICLE XXVI

##### *Manifest*

The manifest of exportation shall be presented at the custom-house of the port of departure according to the rules established in article V.

#### ARTICLE XXVII

##### *Declaration*

Goods intended for exportation must be declared. The declaration shall take place according to the rules established in Articles XVIII. and XIX.

The custom-house, after having examined the goods and collected the export duties, shall deliver, together with the receipt for said duties, a permit for shipment which shall be exhibited to the officer on guard in the port of exportation.

The duties shall not be refunded, even if the exportation does not take place.

Goods brought to the custom-house for exportation shall be subject to no *ardieh* duty during twenty-four hours; at the expiration of that time, they shall be subject to that duty, unless it has been impossible to ship them by reason of bad weather, or lack of means of transportation, etc.

Exemption from the payment of *ardieh* duties on account of *vis major*, shall, however, only be granted in the case of goods on which export duties have previously been paid.

#### TITLE V

##### CONCERNING CIRCULATION AND THE COAST TRADE

#### ARTICLE XXVIII

##### *Shipping of Egyptian Goods*

Egyptian goods that are sent by sea from one place to another in the territory shall retain their nationality provided that they have touched no foreign territory.

If a vessel engaged in the coast trade shall touch, owing to *vis major*, in a foreign port, the goods shall not lose their nationality for that reason.



## ARTICLE XXIX

*Seals to be affixed to packages*

Packages conveyed by vessels engaged in the coastwise trade must be sealed if the custom-house requires it.

## TITLE VI

## PROVISIONS RELATIVE TO SURVEILLANCE

## ARTICLE XXX

*Prohibition to put in where there is no custom-house*

All vessels, no matter what may be their tonnage, are hereby forbidden, except in case of *vis major*, to put in at any point where there is no custom-house.

## ARTICLE XXXI

*Surveillance in the Suez Ship-Canal and at the Mouths of the Nile*

In the Suez Ship-Canal and in the lakes which it crosses, as well as at the mouths of the Nile, it is forbidden to land or to communicate with the shore so as to be able to take in or discharge cargo without being observed by the custom-house officers, except in case of *vis major*.

It shall be the duty of the custom-house officers to stop and search any sailing vessel that may appear suspicious, and to take it to the nearest custom-house, making a report of their proceedings.

## ARTICLE XXXII

*Surveillance at Sea*

Custom-house officers may, within a radius of ten kilometers from the shore, board vessels of less than two hundred tons' burden, and demand the presentation of the manifest and other papers relating to the cargo.

If a vessel bound to an Egyptian port has no manifest or shows any indications of fraudulent practices, the officers must accompany her to the nearest custom-house, drawing up a report of their proceedings.

If any vessel of less than two hundred tons' burden, bound to a foreign port, is found within the aforesaid radius without a manifest, or with a manifest that does not contain the customary statements, the custom-house officers may escort her outside of the radius of surveillance, or, if there is any indication of fraud, they may compel her to accompany them to the nearest or most convenient custom-house, drawing up a report of their action.

The custom-house officers, the officers of the vessels engaged in the Egyptian postal-service, and the officers of national vessels may board any sailing or steam vessel of less than two hundred tons' burden that has cast anchor



or that is found tacking within ten kilometers from the shore, without being able to furnish evidence of *vis major*.

If they find any goods on board whose importation or exportation is prohibited, they shall summarily confiscate the same, drawing up a report stating that the vessel has been found within the limits of the radius of surveillance, at anchor without any necessity therefor, or sailing in such a manner as was justified neither by its destination nor by a case of *vis major*.

If the officers of the custom-house, those of the vessels engaged in the Egyptian postal-service or those of national vessels give chase to a vessel of less than two hundred tons' burden, and if the latter refuses to allow them to board her, they shall hoist the flag and pennant of their vessel, and warn the refractory vessel by means of a blank shot. If she does not yet stop, a cannon ball shall be fired among her sails. After this double warning, the pursuing vessel shall make serious use of the arms which she has on board. The pursuit may be continued, and the vessel may be seized outside of the radius of ten kilometers.

For vessels of more than two hundred tons' burden, the surveillance shall be confined to observation of their movements along the shore; in case of an attempt to set goods ashore, or to put them in boats, or to transship them, the aforesaid officers may compel the vessel to accompany them to the nearest or most convenient custom-house, drawing up a report of the infraction committed by it.

The aforesaid officers shall search no vessel of any kind that belongs to a foreign power; they shall confine themselves to watching its movements, and in case there is any indication of smuggling, they shall report what they have seen to the Director of Customs.

In the cases above provided for, the reports of the searches must be communicated to the consular officer under whose jurisdiction the offender is, if that officer shall so request.

## TITLE VII

### CONCERNING SMUGGLING

#### ARTICLE XXXIII

After any seizure for smuggling, the Collector of Customs and three or four of the principal custom-house officers, shall resolve themselves into a custom-house commission, and, after having investigated the case, they shall decide whether there is ground for confiscation and for the imposition of a fine.

The goods may be confiscated, as well as all means of transportation and all instruments used in smuggling.

A fine may be imposed, whatever be the nature of the goods seized; it shall be equal to double the amount of the import duty; and, in case of a repetition of the offence, it may be increased to four times, and afterwards to six times that amount.



The decision of the custom-house commission shall mention the date of the seizure, the circumstances under which it took place, the names and rank of the seizers, the witnesses and the accused, the kind and quantity of the goods, and the grounds for the decision reached.

A copy of this decision, signed by the Collector or some person deputed to do so by him, shall, on the day on which it is made or the day following, be sent directly by the custom-house to the consular or native officer under whose jurisdiction the accused is.

In default of objection made by the accused and communicated to the custom-house within fifteen days from the date of the delivery of the copy to the officer aforesaid, this decision shall become final, and no appeal therefrom shall be admissible.

If the accused thinks proper to object, his objection shall be laid before the commercial court having jurisdiction in the case.

The decisions of the custom-house commission shall be received as evidence until the statements therein made shall be charged with falsity.

The reports made by custom-house officers shall be received as evidence until the contrary shall have been proved.

If the final judicial decision rendered relative to the objection declares the decision of the custom-house commission to be erroneous, the owner of the goods shall be entitled to an indemnity equal to the damage that he may have suffered in consequence of the seizure.

If the objection is set aside, the accused shall be liable to a fine equal to ten per cent. of the value of the articles seized.

An appeal cannot legally be taken unless the party shall have deposited the amount of the condemnations resulting from the judgment in first instance and the amount of the said fine of ten per centum.

The Customs Department shall always have power to compromise with the accused by reducing the penalty to a fine which shall be fixed according to circumstances, but which shall in no case be less than double the amount of the import duty.

#### ARTICLE XXXIV

Penalties in cases of smuggling shall be applicable to the perpetrators, instigators, transporters and accomplices of the frauds and to the owners of the goods, jointly and severally.

#### ARTICLE XXXV

In addition to ordinary cases of attempted smuggling, the following shall be considered as contraband, and shall be treated according to the above rules:

1. Foreign goods landed irregularly in ports or on coasts, having been taken out of their way or discharged before reaching the first custom-house.



2. Foreign goods attempted to be discharged or transshipped without having been manifested, or those found on board of vessels whose burden does not exceed fifteen tons, bound to an Egyptian port and having no manifest.

3. Foreign goods found in the Suez ship-canal and the lakes which it crosses, or in the mouths of the Nile, on board of vessels which put in to, or which are in communication with the shore, without the written authority of the Customs Department; or on board of vessels which run along the shore, cast anchor and put in where there is no custom-house.

Goods found as above shall, however, not be considered as contraband if proper evidence of *vis major* can be furnished.

4. Foreign goods found on the person, among baggage, in boats or carriages, or concealed in packages, articles of furniture or other goods, in such a manner as to furnish ground for the presumption of an intent to avoid the payment of duties thereon.

5. Foreign goods removed from the custom-house without a permit to do so.

6. Foreign goods deposited in the desert beyond the customs boundary, and in such a manner as to be suspicious.

7. Foreign goods re-exported by sea or shipped on board of vessels engaged in the coastwise trade, without a *raftieh*, when said vessels are of less than five tons' burden.

8. Foreign goods which, after the delivery of the *tamkin* at their departure, shall be loaded upon vessels, or, generally, all goods liable to the export duty that shall be exported or attempted to be exported without having been presented at the custom-house.

In this case the fine to be imposed in addition to the confiscation shall be equal to sixteen times the export duty, and may, in case of a repetition of the offense, be increased to double, and afterwards to sixfold that amount.

All goods prohibited by the Government, together with tobacco and tom-bac, sold on the coast or in the interior, in violation of the regulations, or found at any point without a *keshf*, *raftieh* or seal, shall likewise be considered as contraband, and shall be treated according to the same rules.

## TITLE VIII

### CONCERNING INFRACTIONS

#### ARTICLE XXXVI

Infractions shall be punished by a fine that shall be collected, jointly and severally, from the perpetrators thereof, and from their instigators and accomplices, and also from the owners of the goods and captains of the vessels; the latter shall, moreover, be responsible for any infractions that may be committed by the crew.



The goods and vessels shall serve as a guarantee for the amount of the duties and fines, without prejudice to the provisions of article VIII., paragraph 5, or to any other action.

The fine may not be imposed if proper evidence is furnished of the existence of *vis major*; the evidence must, in this case, be duly furnished before the withdrawal of the goods or the departure of the vessels; the custom-house may even grant an extension of the time.

#### ARTICLE XXXVII

Any infraction of the provisions of these regulations, or of any others that have been regularly adopted, when such infraction is not included in one of the cases hereinafter provided for, shall be punished by a fine, the amount of which shall be fixed by the Collector of Customs. Such fine shall not be less than one-half the amount of the duty, or more than six times the same amount, and, in cases not provided for, and not connected with an importation or exportation of goods, the fine shall be from one hundred to five thousand Turkish piasters.

The collection of these fines shall be independent of the duties payable according to the treaties, laws and regulations.

#### ARTICLE XXXVIII

If any differences in excess exist between the goods and the statements made in the manifest, the captain shall pay a fine which shall not be less than the amount of the duty, or more than three times the said amount for each package not mentioned in the manifest. If any of the packages in excess have the same marks and numbers as other packages mentioned in the manifest, those that are subject to the highest duty shall be considered as not manifested.

For each package mentioned in the manifest and not presented, there shall be collected, according to article XVII., a fine which, in addition to the duty (which shall be estimated according to the statements contained in the documents presented), shall not be less than one hundred or more than one thousand Turkish piasters.

The fine in the case of goods laden loosely according to the manifest, may be raised to five thousand Turkish piasters.

Nevertheless, discrepancies in excess not exceeding ten per cent., and deficiencies not exceeding five per cent. shall entail no fines.

#### ARTICLE XXXIX

For any difference in quantity, value, weight or quality between the written declaration and the goods presented for examination, a fine shall be collected which shall not be less than one fifth of the amount of the duty, or more than the whole of that amount.



There shall be no ground for the imposition of any fine if the differences in quantity, weight or value do not exceed five per cent.

#### ARTICLE XL

Captains of vessels shall be liable to a fine of from one thousand to ten thousand Turkish piasters, in the following cases:

1. If they shall refuse to produce the legal manifest of their cargo, or if they shall have no such manifest.
  2. If they shall refuse to allow the custom-house officers to come on board.
  3. If they shall sail or attempt to sail without permission from the custom-house.
  4. If they shall violate any other provision of article XV.
- Always without prejudice to cases of contraband.

The fine shall be from four hundred to two thousand Turkish piasters in the following cases:

1. In case the vessels are not moored in the places designated.
2. In case the discharge, lading and shipment of goods take place without the permission of the custom-house, or not in the presence of the custom-house officers.
3. In case of delay in the presentation of the manifest.
4. In case of a failure to present at the custom-house the *raftieh* or *elm-khaber*, which must accompany goods carried by vessels engaged in the coasting trade, or conveyed from one custom-house to another by sea.
5. In case of the shipment of goods without permission, before the operations connected with the discharge are finished.

#### ARTICLE XLI

The fine shall be from one hundred to one thousand Turkish piasters in case the previous declaration provided for by articles VI., XVIII. and XXVII. of these regulations shall not have been made.

#### ARTICLE XLII

The fine shall be from four hundred to four thousand Turkish piasters:

1. In case of an attempt to import or export goods otherwise than according to the rules prescribed, or during the night in the case of goods exempt from the import or export duty.
2. In case the goods sent to another custom-house, or in transit, shall arrive at the custom-house to which they were bound after the expiration of the period mentioned in the *raftieh* or *elm-khaber*, without proper justification of the delay.
3. In case packages that have been examined and shipped in transit, or



that are bound to another custom-house, shall be tampered with on the outside.

4. In case of delay on the part of those who have furnished security in making the payments prescribed by article XXV., paragraph 3.

## TITLE IX

### CONCERNING SEARCHES

#### ARTICLE XLIII

In case fraud is suspected, officers may search the houses or stores of private individuals.

Such searches shall not, however, be made otherwise than in pursuance of a written order from the Collector of Customs, and in presence:

1. Of an officer whose rank is above that of Inspector, at least; 2. Of a representative of the Government, and, in cities in which Municipalities are established, of a representative of the municipal authority.

Searches must be made between the rising and setting of the sun.

A duplicate of the order directing a search shall be sent to the consular officer interested, who may at once send a representative, if he thinks proper. The failure of that officer to do so, shall not, however, cause any delay in, or be any obstacle to the search.

The statement prepared by the custom-house officers must give the statements and observations of the person in whose house the search has been made, or in case of his absence, the statements and observations of his representatives or domestics.

The interested party, or, in his absence, his representatives or domestics, shall be requested to sign the statement.

#### ARTICLE XLIV

##### *Former provisions*

All provisions at variance with those contained in the foregoing regulations are hereby repealed.

The Egyptian Government may adopt, for the proper management of the service and for the repression of fraud, such other measures, similar to the foregoing, as may have been shown by experience to be desirable.

A. CAILLARD

*Director General of Custom-Houses*

Examined and approved:

MUSTAPHA FEHMY

*Minister of Finance*

CAIRO, April 2d, 1884



*Explanation of foreign terms employed in the Egyptian customs regulations*

*Ardieh*: Storage duty.

*Elm-Khaber*: A carefully prepared, detailed, and descriptive list.

*Keshj*: Invoice or list of goods.

*Raftieh*: Receipt for payment of customs duties.

*Tamkin*: Permit to sail.

*Vis major*: A condition entirely beyond the control of the person concerned.